

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANDRE B. YOUNG,

Plaintiff,

v.

PAUL SPIZMAN *et al.*,

Defendants.

Case No. C07-5717RBL

ORDER ADOPTING
REPORT AND
RECOMMENDATION

The Court, having reviewed, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, [Dkt. #11], and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is duplicative of a 2005 case where this court dismissed the action for failure to state a claim because the action called into question the plaintiff's current confinement. See, Young v. Spizman, 05-CV-5652RBL.
- (3) This action is dismissed for the same reasons as Young v. Spizman, 05-CV-5652RBL. In addition the action is dismissed as *Res Judicata.*

1 (4) This action is **DISMISSED WITHOUT PREJUDICE**

2 The Clerk is directed to send copies of this Order to plaintiff, counsel for defendants, and to
3 the Hon. J. Kelley.

4 DATED this 7th day of March, 2008.

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6 RONALD B. LEIGHTON
7 UNITED STATES DISTRICT JUDGE

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